

REMARKS

The Sequence Listing submitted with the instant application, filed September 26, 2001, contained an inadvertent and unintentional error which would have been obvious to one of ordinary skill in the art. This error was the substitution of the amino acid sequence of SEQ ID NO:1 in place of the polynucleotide sequence which should have appeared in the Sequence Listing as SEQ ID NO:2. The specification refers to SEQ ID NO:2 as a polynucleotide sequence encoding the polypeptide sequence of SEQ ID NO:1 (e.g., at page 3, lines 2-4; page 3, lines 19-20; page 9, line 27; page 10, lines 24-26; and page 11, lines 10-12). The repetition of the amino acid sequence of SEQ ID NO:1 as both SEQ ID NO:1 and SEQ ID NO:2 in the Sequence Listing, and the discrepancies between the specification and the Sequence Listing, would have led one of ordinary skill in the art to realize that there was an error in the Sequence Listing. The specific polynucleotide sequence which should have appeared in the Sequence Listing as SEQ ID NO:2 is explicitly disclosed in Figures 1A, 1B, and 1C of the application. Furthermore, the instant application claims priority to U.S. application Ser. No. 09/391,958 and U.S. application Ser. No. 08/805,118, both of which are incorporated by reference (e.g., at page 1, lines 3-8). Both of these prior applications correctly disclosed the polynucleotide sequence of SEQ ID NO:2. Therefore, amendment of the Sequence Listing to include this polynucleotide sequence as SEQ ID NO:2 is not new matter.

The content of the amended Sequence Listing submitted herewith is identical to the computer readable form (CRF) filed with U.S. application Ser. No. 08/805,118. In accordance with 37 C.F.R. § 1.821(e), please use the computer readable form filed with U.S. application Ser. No. 08/805,118 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in the application number and filing date for the computer readable form that will be used for the instant divisional application.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at (650) 843-7352 or (650) 621-8581.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: Feb. 6, 2002.

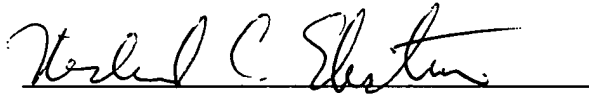


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Limited Recognition (37 C.F.R. § 10.9(b)) attached

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Date: 06 Feb. 2002



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